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11 MAR 1971

MEMORANDUM FOR THE RECORD

SUBJECT: H.R. 3807, "Federal Executive Service"

1. In follow-up of an 11 February 1971 memorandum from the Director of Personnel to Col. White indicating that a detailed review of H.R. 3807 would be undertaken by OGC, OLC, and Personnel, [redacted] and I met with Mr. John Warner, Deputy General Counsel, and [redacted] Office of Personnel, on 2 March 1971.

2. OLC's analysis of the possible impact of the bill on the Agency as contained in memoranda for the record dated 23 and 26 February was reviewed. It was concluded that (in addition to the current exemption from Section 1), exemptions from Section 2 and Section 3 would be necessary to assure that existing Agency authorities remain unimpaired. Specifically, this could be accomplished by adding two new subsections:

- (a) In Section 2 (between lines 7 and 8 on page 33)
 - (c) "This Section shall not apply to either the Central Intelligence Agency or its employees."
- (b) In Section 3 (at line 21, page 34) (c) "This Section shall not apply to the Central Intelligence Agency."

3. It was agreed that the next step would be to informally check both with the Civil Service Commission, probably Mr. Nicholas Oganovic, and the House Post Office and Civil Service Committee, John Martiny, Counsel, concerning such further exemption for the Agency. This course of action is consistent with the Director of Personnel's 11 February 1971 memorandum to Col. White.

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4. Subsequently, [] responded that Mr. Fisher was reviewing the situation including OLC memoranda for the record referred to above. Further action by OLC with [] should be held in abeyance pending further word from Mr. Fisher.

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Assistant Legislative Counsel

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